

(b) RETROACTIVE APPLICATION.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to paragraph (2), any entry of an article classifiable under a heading of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States added or amended by this subtitle—

(A) that was made—

(i) on or after the date that is 120 days before the date of the enactment of this Act, and

(ii) before the date of the enactment of this Act, and

(B) to which a lower rate of duty would apply if the entry were made on or after such date of enactment, shall be liquidated or reliquidated as though such entry occurred on such date of enactment.

(2) REQUESTS.—A liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with U.S. Customs and Border Protection not later than 180 days after the date of the enactment of this Act that contains sufficient information to enable U.S. Customs and Border Protection—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

(3) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of a covered article under subparagraph (A) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

(c) DEFINITIONS.—In this section, the terms “enter” and “entry” include a withdrawal from warehouse for consumption.

Subtitle C—Reauthorization of American Manufacturing Competitiveness Act of 2016

SEC. 75471. REAUTHORIZATION OF AMERICAN MANUFACTURING COMPETITIVENESS ACT OF 2016.

(a) NEW PROCESS FOR CONSIDERATION OF PETITIONS.—Section 3(b)(1) of the American Manufacturing Competitiveness Act of 2016 (Public Law 114-159; 19 U.S.C. 1332 note) is amended, in the matter preceding subparagraph (A), by striking “October 15, 2016, and October 15, 2019” and inserting “October 15, 2022, and October 15, 2025”.

(b) CONTENT OF PETITIONS.—Section 3(b)(2)(E)(i) of such Act is amended to read as follows:

“(i) the classification of the article under chapters 1 through 97 of the Harmonized Tariff Schedule of the United States that has been used or will be used by the importer, to be included in the amendment to subchapter II of chapter 99 of that Schedule.”.

(c) REPORT.—Section 4(a) of such Act is amended by striking “12 months” and all that follows through “tariff bill” and inserting “18 months after the date on which the duty suspensions and reductions included in a miscellaneous tariff bill take effect”.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

SEC. 76001. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the head of each agency specified in subsection (b) such sums as may be necessary for the agency to carry out the responsibilities of the agency under this title.

(b) AGENCIES SPECIFIED.—The agencies specified in this subsection are the following:

(1) The Office of the United States Trade Representative.

(2) The Department of Commerce.

(3) The Department of the Treasury.

(4) U.S. Customs and Border Protection.

TITLE VI—CUSTOMS USER FEES

SEC. 77001. EXTENSION OF CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking “September 30, 2030” and inserting “August 7, 2031”; and

(2) in subparagraph (B)(i), by striking “September 30, 2030” and inserting “August 7, 2031”.

(b) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States-Korea Free Trade Agreement Implementation Act (Public Law 112-41; 19 U.S.C. 3805 note) is amended by striking “September 30, 2030” and inserting “August 7, 2031”.

SA 1563. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3234 insert the following:

SEC. 3234. STATEMENT OF POLICY REGARDING UNIVERSAL IMPLEMENTATION OF UNITED NATIONS SANCTIONS ON NORTH KOREA.

It is the policy of the United States to sustain economic pressure on the Government of the Democratic People's Republic of Korea (referred to in this section as the “DPRK”) until the regime undertakes concrete, verifiable actions toward denuclearization, including by—

(1) pressing all nations, including the PRC, to implement and enforce existing United Nations sanctions with regard to the DPRK;

(2) pressing all nations, including the PRC, and in accordance with United Nations Security Council resolutions, to end the practice of hosting DPRK citizens as guest workers, recognizing that such workers are demonstrated to constitute an illicit source of revenue for the DPRK regime and its nuclear ambitions;

(3) pressing all nations, including the PRC, to pursue rigorous interdiction of shipments to and from the DPRK, including ship-to-ship transfers, consistent with United Nations Security Council resolutions;

(4) pressing the PRC and PRC entities—

(A) to cease business activities with United Nations-designated entities and their affiliates in the DPRK; and

(B) to expel from the PRC individuals who enable the DPRK to acquire materials for its nuclear and ballistic missile programs;

(5) enforcing United Nations Security Council resolutions with respect to the DPRK and United States sanctions, including those pursuant to the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114-122), the Countering America's Adversaries Through Sanctions Act (Public Law 115-44), the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019 (title LXXI of division F of Public Law 116-92), and relevant United States executive orders;

(6) welcoming the interagency review mandated by the national security memorandum issued by President Joseph R. Biden, Jr., on January 21, 2021, and entitled “National Se-

curity Memorandum on United States Global Leadership to Strengthen the International COVID-19 Response and to Advance Global Health Security and Biological Preparedness”, as an opportunity to make appropriate adjustments, consistent with existing law, to United States and multilateral sanctions to ensure that such sanctions do not inadvertently hinder legitimate humanitarian access and travel to the DPRK; and

(7) reinforcing eligibility for special validation travel to the DPRK related to repatriation of the remains of United States veterans from the Korean War, as is permitted under section 208(a)(3) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9228(a)(3)).

SA 1564. Mr. VAN HOLLEN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —NATIONAL FAB LAB NETWORK

SEC. 1. SHORT TITLE.

This title may be cited as the “National Fab Lab Network Act of 2021”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Scientific discoveries and technical innovations are critical to the economic and national security of the United States.

(2) Maintaining the leadership of the United States in science, technology, engineering, and mathematics will require a diverse population with the skills, interest, and access to tools required to advance these fields.

(3) Just as earlier digital revolutions in communications and computation provided individuals with the internet and personal computers, a digital revolution in fabrication will allow anyone to make almost anything, anywhere.

(4) These creations include elements of a typical household basket of goods (furnishings, apparel, food production equipment, shelter, transportation, education and communication, recreation, and other goods and services), personal technology, means for personal expression, the production of digital fabrication machinery, community design, and manufacturing capability.

(5) The Center for Bits and Atoms of the Massachusetts Institute of Technology (CBA) has contributed significantly to the advancement of these goals through its work in creating and advancing digital fabrication facilities, or “fab labs” in the United States and abroad.

(6) Such digital fabrication facilities may include MakerSpaces, Hackerspaces, and other creative spaces that use digital fabrication as a platform for education, innovation, entrepreneurship, personal expression, public access, and social impact.

(7) Such digital fabrication facilities provide a model for a new kind of national laboratory that operates as a network, linking local facilities for advanced manufacturing, providing universal access, cultivating new literacies, and empowering communities.

(8) The nonprofit Fab Foundation was established to support the growth of the international network of digital fabrication facilities, to amplify the educational, entrepreneurial, and social impacts of digital fabrication facilities, and to support the development of regional capacity building organizations to broaden impact as well as address local, regional, and global challenges through the use of digital fabrication technologies.

(9) A coordinated array of national public-private partnerships will be the most effective way to accelerate the provision of universal access to this infrastructure for workforce development, science, technology, engineering, and mathematics education, developing inventions, creating businesses, producing personalized products, and mitigating risks.

SEC. ____ 3. DEFINITION OF FAB LAB.

In this title, the term “fab lab” means a facility that—

(1) contains the range of capabilities required to create form and function from digital designs, including—

(A) computer-controlled machines for additive and subtractive fabrication processes;

(B) tools and components for manufacturing and programming electronic circuits;

(C) materials and methods for short-run production; and

(D) workflows for three-dimensional design and digitization; and

(2) is committed to supporting education, innovation, entrepreneurship, personal expression, self-sufficiency, and social impact for its community through digital fabrication.

SEC. ____ 4. ESTABLISHMENT.

There is hereby established a nonprofit corporation to be known as the “National Fab Lab Network” (in this title referred to as the “corporation”), which shall not be an agency or establishment of the United States Government. The corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29–501 et seq.).

SEC. ____ 5. GOALS AND ACTIVITIES.

(a) GOALS.—The goals of the corporation are as follows:

(1) To provide universal access to digital fabrication.

(2) To foster current and future fab labs.

(3) To create a national network of connected local fab labs to empower individuals and communities in the United States.

(4) To foster the use of distributed digital fabrication tools—

(A) to promote science, technology, engineering and math skills;

(B) to increase invention and innovation;

(C) to create businesses and jobs;

(D) to fulfill personal, professional, and community needs;

(E) to create value and mitigate harm;

(F) to increase self-sufficiency for individuals, households, and communities;

(G) to reduce dependency on global supply chains; and

(H) to align workforce development with new and emerging jobs.

(5) To provide a platform for education, research, and for catalyzing new methods in science, technology, engineering, and mathematics education, and introducing digital fabrication as an essential new literacy.

(6) To create new ways of educating the workforce that will enable workers to compete in a 21st century global marketplace.

(b) ACTIVITIES.—To attain the goals described in subsection (a), the corporation shall carry out activities, including the following:

(1) Seeking, initially, to establish a minimum of one fab lab in each Congressional District.

(2) Seeking to establish additional labs within the network created under subsection (a)(2), in response to local demand, and to provide guidelines for their sustainable operation.

(3) Linking fab labs into a national network, and promoting further expansion of fab labs across the United States.

(4) Serving as a resource to assist diverse public and private stakeholders with the effective operation of fab labs, and the training of fab lab leaders and mentors.

(5) Maintaining a national registry of fab labs.

(6) Providing standards and protocols for connecting fab labs regionally, nationally, and globally.

(7) Assisting fab labs in producing fab labs.

SEC. ____ 6. MEMBERSHIP AND ORGANIZATION.

Except as provided in this title, eligibility for membership in the corporation and the rights and privileges of members shall be in accordance with the laws governing tax exempt organizations in the District of Columbia.

SEC. ____ 7. GOVERNING BODY.

(a) IN GENERAL.—Except as provided in subsection (b), directors, officers, and other staff of the corporation, and their powers and duties, shall be in accordance with the laws governing tax exempt organizations in the District of Columbia.

(b) BOARD MEMBERSHIP.—

(1) COMPOSITION.—The board of the corporation shall be composed of not fewer than 7 members and not more than 15 members.

(2) REPRESENTATION.—

(A) IN GENERAL.—The membership of the board of the corporation shall collectively represent the diversity of fab labs.

(B) REQUIREMENT.—At a minimum, the board of the corporation shall be composed of members from geographic regions across the United States, Tribal communities, educational and research institutions, libraries, nonprofit and commercial organizations, diverse demographic groups, and the Fab Foundation.

(C) INDIVIDUAL REPRESENTATION.—An individual member of the board of the corporation may represent more than one board role and additional roles may be added to reflect the diversity of the fab lab ecosystem.

(3) SELECTION.—The initial board of the corporation shall be chosen, in consultation with the Fab Foundation and in accordance with paragraph (2)(A), as follows:

(A) Two shall be appointed by the majority leader of the Senate.

(B) Two shall be appointed by the minority leader of the Senate.

(C) Two shall be appointed by the Speaker of the House of Representatives.

(D) Two shall be appointed by the minority leader of the House of Representatives.

SEC. ____ 8. POWERS.

The corporation may—

(1) coordinate the creation of a national network of local fab labs in the United States;

(2) issue guidelines for the sustainable operation of fab labs;

(3) issue standards and guidelines for fab labs;

(4) serve as a resource for organizations and communities seeking to create fab labs by providing information, assessing suitability, advising on the lab lifecycle, and maintaining descriptions of prospective and operating sites;

(5) accept funds from private individuals, organizations, government agencies, or other organizations;

(6) distribute funds to other organizations to establish and operate fab labs as members of the corporation;

(7) facilitate communication between other organizations seeking to join the corporation with operational entities that can source and install fab labs, provide training, assist with operations, account for spending, and assess impact;

(8) communicate the benefits available through membership in the corporation to communities and the public;

(9) facilitate and participate in synergistic programs, including workforce training, job creation, researching the enabling technology and broader impacts of such programs, and the production of civic infrastructure;

(10) develop processes and methods to mitigate risks associated with digital fabrication;

(11) amend a constitution and bylaws for the management of its property and the regulation of its affairs;

(12) choose directors, officers, trustees, managers, employees, and agents as the activities of the corporation require;

(13) make contracts;

(14) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(15) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(16) charge and collect membership dues and subscription fees; and

(17) sue and be sued.

SEC. ____ 9. EXCLUSIVE RIGHT TO NAME, TERM, SEALS, EMBLEMS, AND BADGES.

The corporation and its participating digital fabrication labs have the exclusive right to use—

(1) the name “National Fab Lab Network”; and

(2) any seals, emblems, and badges the corporation adopts.

SEC. ____ 10. RESTRICTIONS.

(a) STOCK AND DIVIDENDS.—The corporation may not issue securities of any kind or declare or pay a dividend.

(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the corporation under this title. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(c) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities, but may recognize establishment of the corporation pursuant to section ____ 4 of this title.

SEC. ____ 11. RECORDS AND INSPECTION.

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTIONS.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

SEC. 12. ANNUAL REPORT.

Not less frequently than once each year, the corporation shall submit to Congress, including specifically to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives, a report on the activities of the corporation during the prior fiscal year.

SA 1565. Mr. CRAPO (for himself, Mr. BURR, Mr. GRASSLEY, Mr. TOOMEY, Mr. RISCH, Mr. BARRASSO, Mr. DAINES, Mr. YOUNG, Mr. SASSE, Mr. ROMNEY, Mr. MARSHALL, Mr. CASSIDY, Mr. BRAUN, Mr. TUBERVILLE, Mr. SCOTT of South Carolina, Mr. CORNYN, Mr. THUNE, and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division F, add the following:

**TITLE IV—LIMITATIONS ON
MODIFICATIONS TO TRADE AGREEMENTS
SEC. 6401. FINDINGS.**

Congress finds the following:

(1) Section 8 of article I of the United States Constitution provides Congress with authority over international trade. Congress has used that authority to approve a number of trade agreements, including the WTO Agreement.

(2) Section 8 of article I of the United States Constitution provides Congress with authority to provide intellectual property protections in order to “promote the progress of science and useful arts”. People in the United States rely on those protections to support jobs and continue the highly successful leadership of the United States with respect to innovation.

(3) The United States may not withdraw or otherwise alter the rights and obligations for the United States arising from a congressionally approved trade agreement without the consent of Congress.

(4) The United States is a global leader in containing and ending the COVID-19 pandemic.

(5) Innovators in the United States successfully and rapidly brought to fruition vaccines that provide highly effective protection against COVID-19. At facilities across the United States, thousands of United States workers are working around the clock to manufacture COVID-19 vaccines, contributing to the rapid, global scale up of manufacturing that is expected to reach at least 10,000,000,000 doses by the end of 2021.

(6) The United States is a founding member of the World Trade Organization. The United States has secured and supported critical commitments in the WTO for protection of intellectual property of United States persons and globally, including under the Trade-Related Aspects of Intellectual Property Rights Agreement or the TRIPS Agreement.

(7) In implementing the Uruguay Round, Congress established under section 315 of the Uruguay Round Agreements Act (19 U.S.C. 3581) that it is the objective of the United States to “accelerate the implementation” of the TRIPS Agreement and to “seek enact-

ment and effective implementation by foreign countries of laws to protect and enforce intellectual property rights that supplement and strengthen the standards” of the TRIPS Agreement.

(8) Longstanding intellectual property protections are critical to efforts by the United States and the biopharmaceutical industry to develop and manufacture vaccines for both people in the United States and around the world.

(9) The United States is committed to providing global access to COVID-19 vaccines.

(10) In order to accelerate production and distribution of COVID-19 vaccines, biopharmaceutical manufacturers in the United States are collaborating at a scale that previously was unimaginable, including by entering into hundreds of voluntary manufacturing, production, and other partnerships around the world.

(11) Manufacturing each of the COVID-19 vaccines involves highly specialized and unique infrastructure and equipment, as well as highly trained and experienced personnel. Manufacturing and distributing safe and effective COVID-19 vaccines on a global scale is incredibly challenging. Many experts on vaccine production and distribution are warning that waiving intellectual property protections will undermine the global response to the COVID-19 pandemic and compromise vaccine safety, including by disrupting the distribution of scarce raw materials for vaccines that existing vaccine makers with proven track records for delivering high-quality, safe, and effective vaccines need to continue their own production.

(12) The United States Trade Representative announced without any consultation with Congress that the United States will support a waiver of intellectual property protections under the TRIPS Agreement for COVID-19 vaccines. That decision is not consistent with the intellectual property negotiating objectives of the United States set forth in section 315 of the Uruguay Round Agreements Act (19 U.S.C. 3581).

(13) That waiver announcement created confusion, and raised concerns that a successful effort to suspend protections will weaken already strained supply chains and foster the proliferation of ineffective and potentially dangerous vaccines.

(14) The Trade Representative has not explained how a waiver of the TRIPS Agreement will expand vaccine production and access, particularly considering that the major impediments to vaccination efforts include the following:

(A) The difficulty in meeting the technical specifications of production and appropriately ensuring that finished vaccines are high-quality, safe, and effective.

(B) The scarcity of raw materials for the vaccines.

(C) Last-mile distribution and cold-chain storage.

(D) Trade barriers to the free flow of inputs and finished products.

(15) The Government of the People's Republic of China and the Government of the Russian Federation are engaged in large scale industrial espionage and technology theft of intellectual property of United States persons. The Department of Justice has issued indictments in connection with attempts sponsored by the Government of the People's Republic of China to steal United States vaccine research with respect to COVID-19.

(16) The Government of the People's Republic of China and the Government of the Russian Federation are using their vaccines as part of diplomatic efforts that may be contrary to the national security interests of the United States. Vaccines for COVID-19 manufactured by persons in the People's Re-

public of China and the Russian Federation appear to be less efficacious than those manufactured by producers in the United States. The Academy of Military Science, the scientific arm of the military of the People's Republic of China, is sponsoring the principal effort by the People's Republic of China to develop its own mRNA vaccine.

(17) At a hearing before the Committee on Finance of the Senate on May 12, 2021, the Trade Representative would not commit either—

(A) to ensure that any waiver of the TRIPS Agreement would exclude the People's Republic of China and the Russian Federation; or

(B) to ensure that Congress has advance access to the negotiating proposals of the United States for any such waiver.

(18) The innovative biopharmaceutical companies in the United States contribute more than \$1,100,000,000,000 annually to the United States economy, and employ more than 500,000 workers making 1.4 times the average earnings in the United States, including 153,000 workers who do not have a college degree.

(19) Waiving intellectual property protections, particularly of the mRNA technology platform in which the Defense Advanced Research Project Agency invested not less than \$250,000,000, raises serious economic and national security concerns.

SEC. 6402. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should continue to act as a global leader to help contain and end the COVID-19 pandemic at home and abroad;

(2) innovators in the United States are already heroes for their breakthrough work in developing and producing COVID-19 vaccines.

(3) it should be a priority of the global community, with the assistance of the United States, to efficiently and quickly manufacture and distribute COVID-19 vaccines around the world, and in particular to those countries that are most vulnerable;

(4) current impediments to further vaccination efforts are due to—

(A) the technically difficult manufacturing requirements for vaccines;

(B) the need to appropriately ensure that vaccines are high-quality, safe, and effective;

(C) raw material constraints; and

(D) difficulties in distribution;

(5) intellectual property protections for COVID-19 vaccines have not impeded vaccination efforts for COVID-19;

(6) intellectual property protections in fact help ensure the safe and efficient manufacturing of COVID-19 vaccines;

(7) waiving intellectual property protections could lead to the production of substandard, ineffective, and potentially unsafe COVID-19 vaccines;

(8) the Trade Representative must consult with Congress before taking a position on the current TRIPS Agreement waiver proposal before the WTO and any further proposals to waive or weaken intellectual property obligations under the TRIPS Agreement;

(9) Congress and the people of the United States are entitled to comprehensive expert analysis regarding the implications of a waiver to the TRIPS Agreement for jobs, economic growth, public health, and national security in the United States; and

(10) the United States must oppose any waiver to intellectual property obligations under the TRIPS Agreement for the response to the COVID-19 pandemic until those implications are fully analyzed.

SEC. 6403. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional